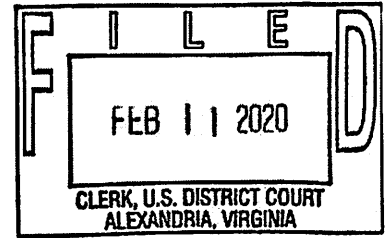


IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA )

v. )

Case No. 1:20-MJ-59

OLAJIDE OGUNDARE-ASUBIARO, )

a/k/a "JLUCIANO," )

a/k/a "jlusconi," )

*Defendant.* )

**AFFIDAVIT IN SUPPORT OF  
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Gregory R. Settducati, being duly sworn, depose and state as follows:

**INTRODUCTION**

1. This affidavit is submitted in support of a criminal complaint and arrest warrant charging OLAJIDE OGUNDARE-ASUBIARO, also known as "JLUCIANO," and "jlusconi," with knowingly and intentionally conspiring and agreeing to commit bank fraud, contrary to Title 18 United States Code, Section 1344, by executing a scheme and artifice to defraud a financial institution and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, a financial institution by means of materially false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1349.

2. This affidavit is being submitted for the limited purpose of obtaining a criminal complaint and arrest warrant for OLAJIDE OGUNDARE-ASUBIARO, and does not include all of the facts and circumstances related to this investigation. It is not intended to include each and every fact and matter observed by me or known to the government.

### **AGENT BACKGROUND**

3. I have been a Special Agent with the Federal Bureau of Investigation ("FBI") since 2012. I have experience investigating organized crime and national security matters.

4. I am currently assigned to the FBI's Washington Field Office, Northern Virginia Resident Agency, and have been so assigned since June 2012. My squad investigates organized crime and criminal enterprises. My duties with the FBI include, but are not limited to, the investigation of alleged violations of federal criminal statutes, including bank, mail, and wire fraud, money laundering, and crimes that involve financial institutions. I have conducted physical and electronic surveillance, executed search and arrest warrants, and reviewed and analyzed records and documents for fraudulent activity. I have interviewed suspects, defendants, witnesses, victims, and spoken to other experienced investigators concerning the methods and practices of criminal enterprises. In addition, I am a graduate of the FBI Academy and have received training in cyber security matters.

5. As a federal agent, I am authorized to investigate violations of the laws of the United States and to execute warrants issued under the authority of the United States. The facts and information contained in this affidavit are based on my training and experience, my personal knowledge, my involvement in this investigation, and information that has been provided to me by other law enforcement professionals. All observations not personally made by me were related to me by the individuals who made them or were conveyed to me by review of the records, documents, and other physical evidence obtained during the course of this investigation. In addition, where conversations or statements are related herein, they are related in substance and in part except where otherwise indicated.

## **OVERVIEW OF CARD CRACKING BANK FRAUD SCHEME**

6. The United States Postal Inspection Service (“USPIS”), the Virginia State Police (“VSP”), and the FBI, in conjunction with other local and federal law enforcement agencies and fraud investigators at financial institutions insured by the Federal Deposit Insurance Corporation (“FDIC”) have been investigating a bank fraud scheme dubbed “card cracking.” Based on the investigation by USPIS and other law enforcement agencies, and based on my training and experience, I understand the card cracking bank fraud scheme to generally operate as follows:

7. Card cracking organizing conspirators recruit third-party bank account holders (“cardholders”) to provide their debit cards and Personal Identification Numbers (“PIN”) and account information for use in the scheme. Conspirators recruit cardholders in various ways. Some conspirators recruit cardholders in person while others utilize social media platforms like Instagram or Facebook to advertise opportunities to make “quick money,” after which cardholders contact the conspirators by phone, text message, or through social media.

8. Once a cardholder has been recruited and the conspirator has secured the cardholder’s debit card and PIN, as well as one or more counterfeit checks, the conspirator deposits—or recruits someone to deposit—the counterfeit checks into the cardholder’s bank account. The conspirators typically deposit the checks through the use of an Automated Teller Machine (“ATM”).

9. The organizing conspirators manufacture, purchase, or otherwise obtain one or more counterfeit checks to deposit into the cardholder’s bank account. The counterfeit checks used in the card cracking scheme generally contain legitimate bank account and routing number information belonging to legitimate businesses who are unaware that their bank account and routing number information has been compromised.

10. Once the counterfeit checks are deposited to the cardholder's account, the conspirator waits for the cardholder's bank to credit the purported funds from the counterfeit check to the cardholder's account, which can happen in a matter of hours. According to information provided by bank investigators, banks typically credit the value of the check to a cardholder's account before the check actually clears, that is, before the cardholder's bank establishes the check's validity. In order to clear a check, the cardholder's bank receives an image of the check (which is sent electronically to the drawer's bank), determines whether it is valid, and requests and receives payment (or denial of payment) from the check drawer's bank. By moving forward prior to clearing the check, the cardholder's bank advances the bank's own money into the cardholder's account when a check is deposited with the risk that the check ultimately could be counterfeit or fraudulent. During the time period between the deposit of a counterfeit or fraudulent check and when the cardholder's bank learns that the check is fraudulent, the advanced money in the cardholder's bank account can be withdrawn from the account using the cardholder's debit card and PIN.

11. After one or more counterfeit checks are deposited into a third-party bank account, the card cracking conspirator often attempts a relatively small ATM withdrawal (between \$100 and \$500) a few hours later, to determine whether the bank has credited the account with the funds from the counterfeit check. If the conspirator is able to withdraw the cash at an ATM, (i.e., the bank has advanced funds to the account), the conspirator goes to a point-of-sale terminal to withdraw or spend the remaining funds that the bank advanced to the third-party account. Point-of-sale terminals are machines used to process debit and credit card payments, typically for the purchase of goods. For example, the machines at a grocery store checkout counter in which a customer swipes a debit card are point-of-sale terminals.

12. When the floated funds are withdrawn in person at a bank branch or at an ATM, and the funds are a result of a deposit of a counterfeit or fraudulent check, the FDIC-insured bank suffers a loss when it disperses the cash to the person at a bank counter or via an ATM withdrawal.

### **PROBABLE CAUSE**

13. From in or about September 2013, to in or about December 2019, in the Eastern District of Virginia and elsewhere, the defendant, OGUNDARE-ASUBIARO, with Chea S. Yarl ("Yarl"), Caesar E. Adigwe, Jr. ("Adigwe"), Samuel B. Smith, Jr. ("Smith"), Thomas Gherense ("Gherense"), and others, knowingly and intentionally conspired and agreed to commit bank fraud, contrary to Title 18 United States Code, Section 1344, by executing a scheme and artifice to defraud a financial institution and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, a financial institution by means of materially false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1349.

14. The investigation has identified at least at least four individuals who have been involved in the conspiracy since its inception. The investigation has revealed that since 2013, Yarl, Smith, and Adigwe participated in a conspiracy in which hundreds of counterfeit checks were deposited into accounts at financial institutions and then funds from those accounts were subsequently withdrawn. Together with Yarl, Smith, and Adigwe, OGUNDARE-ASUBIARO began depositing counterfeit checks in furtherance of the conspiracy as early as 2015, and continued to do so through 2018, at which point Gherense also was involved.

15. Yarl, Adigwe, Smith, and Gherense all have been charged by criminal complaint in the Eastern District of Virginia with conspiracy to commit bank fraud.

#### **I. OGUNDARE-ASUBIARO's Card Cracking Activity and Role in the Conspiracy**

16. Cellular telephones, physical surveillance, bank records, video footage, and statements to law enforcement by cooperators reveal that, since at least 2013, Yarl, Smith, and Adigwe have conspired together and with other individuals, known and unknown, to deposit counterfeit checks and stolen real checks into bank accounts throughout the D.C.-metro area and to then withdraw funds from those accounts or purchase money orders with debit cards associated with those accounts. Evidence shows that Gherense has participated in the conspiracy since at least 2017, and that OGUNDARE-ASUBIARO has participated in the card cracking conspiracy with Yarl, Smith, and Adigwe since at least 2015.

17. According to statements made by cooperators and a review of electronic evidence, Yarl produced counterfeit checks, deposited counterfeit checks, and made withdrawals of funds associated with counterfeit checks. Smith and Adigwe recruited cardholders in furtherance of the card cracking conspiracy. Smith and Adigwe repeatedly identified names and bank account information that could be used on counterfeit checks and then provided that information to Yarl via text message. Smith personally participated in the deposit of counterfeit checks and the withdrawal of funds associated with those checks in furtherance of the card cracking conspiracy. Adigwe was responsible for cashing money orders that had been purchased with funds attributable to the counterfeit checks. Gherense primarily engaged in the deposit of counterfeit checks. Evidence suggests that OGUNDARE-ASUBIARO's role in the conspiracy was to deposit counterfeit checks as well as to recruit cardholders.

18. On or about November 3, 2015, bank surveillance footage and bank records revealed that OGUNDARE-ASUBIARO deposited a counterfeit check in the amount of \$2,715.43, made payable to I.D., into I.D.'s account at a financial institution located in Laurel, Maryland. On or about November 4, 2015, Smith unsuccessfully attempted to make a withdrawal

from the same account using a debit card associated with the account. Later that day, an unidentified co-conspirator withdrew \$2,200 from I.D.'s account resulting in the financial institution sustaining a loss for at least that amount.

19. In 2018, a financial institution ("Company A") provided law enforcement with evidence that, from December 2017 to December 2018, at least 160 counterfeit checks had been deposited into more than 130 accounts at branches of Company A located in northern Virginia, Washington, D.C., and Maryland. Legitimate routing and account numbers belonging to cashier's accounts had been used to make the counterfeit checks. The counterfeit checks were deposited into the accounts and then funds were withdrawn from those accounts before Company A realized the checks were fraudulent. As a result of the card cracking conspiracy, Company A incurred a loss of over \$210,000 spanning the year of December 2017 to December 2018. Analysis of images of the counterfeit checks showed that the handwriting on many of the checks was similar.

20. A review of surveillance footage provided by Company A, as well as transaction records, revealed that Yarl, Adigwe, Gherense, and OGUNDARE-ASUBIARO were responsible for defrauding Company A from December 2017 to December 2018 by depositing counterfeit checks into accounts at Company A and then withdrawing funds from those accounts or using money from the accounts to purchase money orders.

21. A review of the surveillance footage from Company A showed that, between June 2018 and October 2018, OGUNDARE-ASUBIARO deposited 16 counterfeit checks, worth over \$27,000, into at least 16 Company A accounts as shown below:

<b>Account Name</b>	<b>Counterfeit Check Amount</b>	<b>Date of Deposit</b>	<b>Location of Deposit</b>
S.H.	\$1,695.17	6/8/2018	Central Avenue, Mitchellville, MD
D.A.A	\$1,693.11	7/2/2018	Central Avenue, Mitchellville, MD
B.S.J.	\$1,692.11	7/6/2018	Minnesota Avenue NE, Washington, DC

T.C.	\$1,697.11	7/25/2018	Central Avenue, Mitchellville, MD
R.J.M.	\$1,691.43	8/1/2018	Georgia Avenue, Silver Spring, MD
M.R.K.	\$1,701.13	8/10/2018	Georgia Avenue, Silver Spring, MD
D.L.H.	\$1,981.11	8/10/2018	New Hampshire Avenue, Tacoma Park, MD
K.Y.S.	\$1,692.41	8/14/2018	Georgia Avenue, Silver Spring, MD
L.D.	\$2,213.04	8/28/2018	Research Boulevard, Rockville, MD
J.M.K.	\$1,689.11	9/14/2018	Central Avenue, Mitchellville, MD
T.M.F.	\$1,300.00	9/24/2018	Minnesota Avenue NE, Washington, DC
D.T.C.	\$1,706.11	9/25/2018	Central Avenue, Mitchellville, MD
D.A.M.	\$1,694.11	9/27/2018	Laurel Place, Laurel, MD
T.M.	\$1,693.47	10/5/2018	Montgomery Village Ave., Gaithersburg, MD
B.W.	\$1,689.13	10/5/2018	Rockville Pike, Rockville, MD
D.H.	\$1,719.42	10/12/2018	Mac Arthur Blvd. NW, Washington, DC

22. During the course of one deposit listed in the above chart, on or about October 5, 2018, OGUNDARE-ASUBIARO deposited a counterfeit check in the amount of \$1693.47, made payable to T.M., into T.M.'s account at Company A, a financial institution located on Montgomery Village Avenue in Gaithersburg, Maryland. OGUNDARE-ASUBIARO presented his own Maryland DMV license as a form of identification to the Company A teller.

23. In addition to comparing the bank surveillance footage from Company A to OGUNDARE-ASUBIARO's Maryland DMV photograph, I also reviewed social media accounts belonging to OGUNDARE-ASUBIARO. A search of open source records revealed that OGUNDARE-ASUBIARO is an aspiring music artist who goes by the stage name "JLUCIANO." A blog dedicated to his music career includes a section entitled, "AUTO BIOGRAPHY," and explains that JLUCIANO's "real name is OLAJIDE. OGUNDARE ASUBIARO."<sup>1</sup> It appears that, over time, OGUNDARE-ASUBIARO began spelling "luciano" as "lusiano." Based on OGUNDARE-ASUBIARO's regular use of the name "JLUCIANO," and different iterations of "lusiano," I believe that the individual using the Facebook account "iamjulsiano Scutters," and the

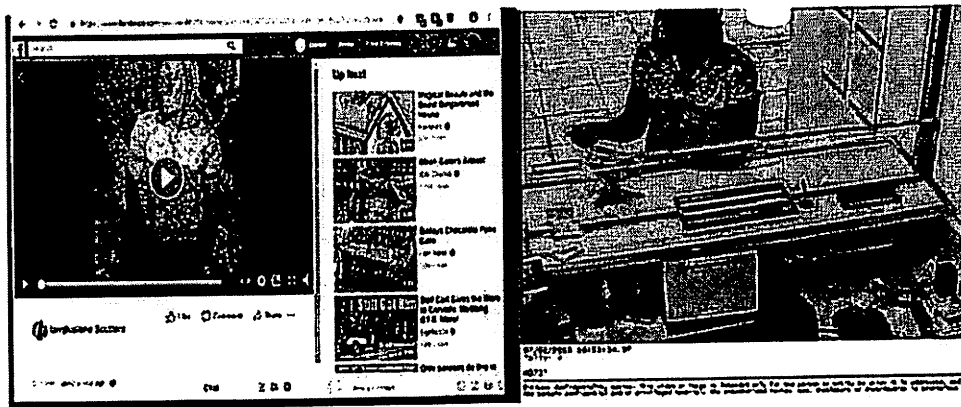
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<sup>1</sup>About, jlucianoisdmv, Jlucianoisdmv.wordpress.com\_about (last visited Feb. 6, 2020).



Instagram account “iamjlusconi,” is OGUNDARE-ASUBIARO.

24. In addition to comparing the names of the accounts with OGUNDARE-ASUBIARO’s known alias, I identified the Facebook account “iamjlusconi Scutters” as belonging to OGUNDARE-ASUBIARO by comparing photographs posted to the public account with OGUNDARE-ASUBIARO’s Maryland driver’s license. The “iamjlusconi Scutters” Facebook account promotes music by him, which is consistent with what I know of OGUNDARE-ASUBIARO. A review of the “iamjlusconi Scutters” account revealed a photograph in which OGUNDARE-ASUBIARO can be seen in the same unique shirt that he wore to deposit a counterfeit check on or about July 2, 2018, into a Company A account in Mitchellville, Maryland, as shown below. I compared the bank surveillance footage from the deposit on July 2, 2018, and the Facebook image of OGUNDARE-ASUBIARO to his Maryland driver’s license photograph and confirmed that OGUNDARE-ASUBIARO was, in fact, depositing counterfeit checks into Company A accounts between June 2018 and October 2018.



25. A review of OGUNDARE-ASUBIARO’s public Instagram account revealed posts in which he discussed making deposits. I identified the Instagram account “iamjlusconi” as belonging to OGUNDARE-ASUBIARO by comparing photographs posted to the account with OGUNDARE-ASUBIARO’s Maryland driver’s license. Based on my training and experience, I believe the post, seen below, shows OGUNDARE-ASUBIARO admitting that he made money

from the deposit of counterfeit checks, and that he recruited others to engage in the deposit of counterfeit checks. Additionally, the post contains a video of what appears to be OGUNDARE-ASUBIARO filming a bank teller while OGUNDARE-ASUBIARO was making a withdrawal of money.



24. Between June 2, 2018 and June 7, 2018, OGUNDARE-ASUBIARO was the payee on at least three U.S. Postal Service money orders totaling approximately \$2,535, all of which had been purchased with debit cards for accounts with Company A that had received counterfeit checks.

25. A search of Yarl's cell phone in January 2020, which was done pursuant to a search warrant issued by the Honorable Theresa C. Buchanan of this District, revealed text messages between Yarl and cellular telephone numbers XXX-XXX-2855 and XXX-XXX-5181, in which the participants communicated about card-cracking activity. The operator of the phone number ending in 5181 identified himself in the text messages with Yarl as "Lusiano" and "Lusi." The

operator of the phone number ending in 2855 also identified himself in a text with Yarl as "Lusi." Based on OGUNDARE-ASUBIARO's regular use of the name "JLUCIANO," and different iterations of "lusiano," I believe that the individual using the phone numbers ending in 2855 and 5181 was OGUNDARE-ASUBIARO.

26. From June 2019 through July 2019, OGUNDARE-ASUBIARO and Yarl exchanged text messages in which OGUNDARE-ASUBIARO sent Yarl numerous names and bank account information, suggesting that OGUNDARE-ASUBIARO recruited cardholders in furtherance of the conspiracy.

27. During the course of the conspiracy, Yarl, Smith, and Gherense committed the following overt acts within the Eastern District of Virginia:

28. On or about January 19, 2018, Yarl deposited a counterfeit check in the amount of \$3,200, made payable to J.G., into J.G.'s account at the Company A branch located on Strawberry Lane in Falls Church, Virginia, within the Eastern District of Virginia.

29. On or about January 19, 2018, Yarl deposited a counterfeit check in the amount of \$2,400, made payable to H.P., into H.P.'s account at the Company A branch located on N. Glebe Road in Arlington, Virginia, within the Eastern District of Virginia.

30. On or about January 26, 2018, Gherense deposited a counterfeit check in the amount of \$1,900, made payable to T.D., into T.D.'s account at a financial institution located on Leesburg Pike in Tysons Corner, Virginia, within the Eastern District of Virginia.


31. On or about February 22, 2018, Gherense deposited a counterfeit check in the amount of \$1,943, made payable to B.M., into B.M.'s account at a financial institution located at Spectrum Center in Reston, Virginia, within the Eastern District of Virginia.

32. On or about February 22, 2018, Gherense deposited a counterfeit check in the amount of \$2,750, made payable to T.J., into T.J.'s account located on Old Dominion Drive in McLean, Virginia, within the Eastern District of Virginia.


33. On or about December 6, 2019, Smith deposited \$2,000 worth of stolen U.S. Postal Service money orders into W.J.T.'s account at a financial institution located in Ashburn, Virginia, within the Eastern District of Virginia.

34. Based upon the information set forth in this affidavit, I respectfully submit that probable cause exists to arrest and charge OLAJIDE OGUNDARE-ASUBIARO with conspiracy to commit bank fraud, in violation of 18 U.S.C. § 1349.

Respectfully submitted,

  
\_\_\_\_\_  
Gregory R. Settducati, Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me  
on this 11th day of February, 2020:

\_\_\_\_\_/s/   
John F. Anderson  
\_\_\_\_\_  
The Honorable John F. Anderson  
United States Magistrate Judge